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10 Attorneys for Defendants New York Life Insurance  
 11 Company and New York Life Insurance and  
 12 Annuity Corporation

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 OLGA ORTMANN, as an individual  
 16 and on behalf of all others similarly  
 16 situated,

Case No. 3:07-CV-02506-WHA

**PROOF OF SERVICE**

Judge: Hon. William Alsup  
 Date: July 5, 2007  
 Time: 8:00 a.m.  
 Courtroom: 9, 19th Floor

17 Plaintiff,  
 18 v.  
 19 NEW YORK LIFE INSURANCE  
 20 COMPANY, a corporation; NEW  
 21 YORK LIFE INSURANCE AND  
 ANNUITY CORPORATION, a  
 22 corporation; and DOES 1 through 20,  
 inclusive,

23 Defendants.

1 I, Karen D. Thompson, certify and declare as follows:

2 I am over the age of 18 years and not a party to this action. My business  
 3 address is Morgan, Lewis & Bockius LLP, 300 South Grand Avenue, Twenty-  
 4 Second Floor, Los Angeles, California 90071-3132

5 On **May 24, 2007**, I served the within documents listed in Attachment A by  
 6 placing the documents in a sealed envelope with postage thereon fully prepaid, in  
 7 the United States mail at Los Angeles, California addressed as set forth below.

8 Service List

9 MARLIN & SALTZMAN  
 10 Stanely D. Saltzman, Esq.  
 Louis M. Marlin, Esq.  
 11 Christina A. Humphrey, Esq.  
 29229 Canwood Street, Suite 208  
 12 Agoura Hills, California 91301  
 818.991.8080 Fax: 818.991.8081

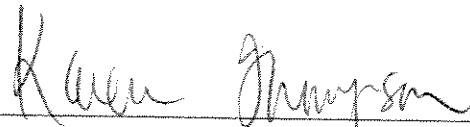
13 SCHWARTZ, DANIELS & BRADLEY  
 14 Marcus Bradley, Esq.  
 29229 Canwood Street, Suite 208  
 15 Agoura Hills, California 91301  
 310.478.5838 Fax: 310.478.1232

16 LAW OFFICES OF PETER M. HART  
 17 Peter M. Hart, Esq.  
 13952 Bora Bora Way, F-320  
 18 Marina Del Rey, California 90292  
 310.478.5789 Fax: 509.561.6441

19 I am readily familiar with the firm's practice of collection and processing  
 20 correspondence for mailing. Under that practice it would be deposited with the  
 21 U.S. Postal Service on that same day with postage thereon fully prepaid in the  
 22 ordinary course of business. I am aware that on motion of the party served, service  
 23 is presumed invalid if postal cancellation date or postage meter date is more than  
 24 one day after date of deposit for mailing in affidavit.

1                   Executed on **May 24, 2007**, at Los Angeles, California.

2 I declare under penalty of perjury, under the laws of the State of California, that the  
3 foregoing is true and correct.

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5                   Karen D. Thompson

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**ATTACHMENT A**

1. DEFENDANTS NEW YORK LIFE INSURANCE COMPANY AND NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S NOTICE OF MOTION AND MOTION TO DISMISS THE EIGHTH, NINTH, TENTH AND ELEVENTH CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE EIGHTH, NINTH, TENTH, AND ELEVENTH CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT
3. [PROPOSED] ORDER GRANTING DEFENDANTS NEW YORK LIFE INSURANCE COMPANY AND NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S MOTION FOR TO DISMISS THE EIGHTH, NINTH, TENTH, AND ELEVENTH CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT
4. DEFENDANTS' NOTICE OF MOTION TO STAY OR TRANSFER THIS ACTION OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S FIRST, SECOND, FOURTH AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO "THE FIRST-TO-FILE" RULE
5. DECLARATION OF JILL A. PORCARO IN SUPPORT OF DEFENDANTS' MOTION TO STAY OR TRANSFER THIS ACTION, OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S SECOND, FOURTH, AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO THE "FIRST-TO-FILE" RULE
6. DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THEIR MOTION TO STAY OR TRANSFER THIS ACTION, OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S FIRST, SECOND, FOURTH AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO "THE FIRST-TO-FILE" RULE
7. [PROPOSED] ORDER REGARDING DEFENDANTS' MOTION TO STAY OR TRANSFER THIS ACTION, OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S FIRST, SECOND, FOURTH, AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO THE "FIRST-TO-FILE" RULE
8. DEFENDANTS NEW YORK LIFE INSURANCE AND NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S NOTICE OF MOTION AND MOTION TO STRIKE

1       9. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
2           DEFENDANTS' MOTION TO STRIKE

3       10.[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO  
4           STRIKE

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